

S.N. 09/510,937

III. REJECTION OF CLAIMS 1-20 UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING AS BEING UNPATENTABLE OVER CLAIMS 19, 23-25 AND 27-38 OF US PATENT 5,752,934 TO CAMPBELL et al., IN VIEW OF US PATENT 4,187,390 TO GORE.

Please note the terminal disclaimer filed on May 29, 2003 pertaining to US Patent 5,972,441 that is part of the same family as the present application. This terminal disclaimer effectively disclaims patent term to a date prior to the Campbell et al. reference that is the basis for this rejection, and consequently moots the rejection. (The Campbell et al. reference was filed at a date later than the priority date of the present application. Consequently, at the time the present invention was made, the Campbell et al. reference was not available. Regarding the Gore reference and the use of the Gore material, the Campbell et al. reference acknowledges the use of these materials; Gore '390 is incorporated by reference at col. 3, lines 46-50.)

That said, the claims of the present application are distinct from those of the Campbell et al. reference. The cited claims of the Campbell et al. reference all relate to the use of an elastomeric material to render the ePTFE non-porous. The present claims are not limited to an elastomeric material. The present specification teaches (and claims; note claim 2) the use of, for example, fluorinated ethylene propylene (FEP) as a coating over the porous expanded PTFE to render it suitably impermeable for use as a balloon. FEP is known to be an inelastic material. The present claims are thus broader than the cited claims of Campbell et al., covering coatings regardless of whether they are elastomeric or not.

CONCLUSION

The applicants believe that their claims are in good and proper form and are patentable over the cited art. As such, the applicants respectfully request reconsideration, allowance of the claims and passage of the case to issuance.

If any questions remain, applicants request an interview prior to the next Office Action.

Respectfully Submitted,



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Date: 11 APRIL 2005